



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,745	02/16/2001	Robert E. Zack	FREIT-005A	5531

7663 7590 03/17/2005

STETINA BRUNDA GARRED & BRUCKER  
75 ENTERPRISE, SUITE 250  
ALISO VIEJO, CA 92656

EXAMINER
----------


CUFF, MICHAEL A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Interview Summary</b>	Application No.	Applicant(s)	
	09/785,745	ZACK ET AL.	
	Examiner	Art Unit	
	Michael Cuff	3627	

All participants (applicant, applicant's representative, PTO personnel):

(1) Michael Cuff.

(3) \_\_\_\_\_.

(2) Robert Ronnik.

(4) \_\_\_\_\_.

Date of Interview: 3/8, 9, 11/05.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1, 3, and 4.

Identification of prior art discussed: Smith.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Michael Cuff 3/11/05  
Examiner's signature, if required



Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The issue discussed was that the examiner equated a balance of data transfers to a balance of minutes. The examiner cited applicant's own specification (page 6, lines 21-23) as to how the amount of data transfer could be measured in many ways, including time. Applicant asserted that measuring data transfer in terms of time was just an unclaimed embodiment of the invention and not an equivalent. Applicant does not provide an example of an account, a balance or a "number of data transfers". As a result, these terms will be given their broadest reasonable definition. The examiner believes that the Smith reference anticipates broadly recited claims 1, 3-14, and 64-66 .